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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,542	12/14/2000	Robin R. Miles	IL-10406	9714

7590

11/30/2001

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EXAMINER

PADMANABHAN, KARTIC

ART UNIT PAPER NUMBER

1641

DATE MAILED: 11/30/2001

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/737,542

Applicant(s)

MILES ET AL.

Examiner

Kartic Padmanabhan

Art Unit

1641

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 13 November 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 10-21.

Claim(s) withdrawn from consideration: None.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

*Christopher L. Chin*  
**CHRISTOPHER L. CHIN**  
PRIMARY EXAMINER  
GROUP 1800/1641

Continuation of 5. does NOT place the application in condition for allowance because: of the reasons set forth in the previous office action mailed on 10/10/01. In addition, in response to applicant's assertion that the examiner has not identified where all the limitations of the recited claims are taught, the examiner disagrees. The prior office action specifically references columns and/or page numbers of the references applied in the rejections. Although applicant is correct in asserting that the claims be read in light of the specification, it is noted that limitations from the specification are not read into the claims, and the claims are given the broadest possible interpretation (see *In re Van Geuns*, 988 F. 2d 1181, 26 USPQ2d 1057; Fed. Cir. 1993). As such, a fluidic channel is indeed interpreted as a surface on which a fluid can travel, as clearly outlined in the prior office action. Further, applicant's assertion that the other limitations of independent claim 10 are not taught by any of the references is also incorrect. Applicant is directed to the rejections of the previous office action. Applicant's contention that there are no 35 USC 103 rejections using any of the 6 references applied under 35 USC 102 is also clearly wrong, as applicant has specifically addressed a 103 rejection over three of those references. In addition, contrary to applicant's assertion, the references clearly disclose a plurality of adjacent pairs of electrodes, an interdigitated electrode, and reference electrodes. Applicant is once again directed to the prior office action. Lastly, applicant's contention that the examiner admits that the cited references do not teach all the limitations of parent claim 16 is incorrect. Where has such an admission been made? .